

Service Date: August 4, 1994

FINAL ORDER NO. 6320

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

1701 Prospect Avenue, P.O. Box 202601

Helena, Montana 59620-2601

IN THE MATTER OF **Lynn J. Labatte**)

dba L & L Sanitation, Culbertson,)

Montana, the application for a)

Montana Intrastate Certificate)

of Public Convenience and Necessity.)

Docket No. T-94.42.PCN

Order No. 6320

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 29, 1994, Lynn J. Labatte dba L & L Sanitation, HC 60 Box 31, Culbertson, Montana 59218, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D - Garbage within the town of Bainville, Montana and a ten (10) mile radius thereof.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public June 8, 1994. That notice said in pertinent part:

If no written protests are received by June 28, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 18th day of July, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.42.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Lynn J. Labatte dba L & L Sanitation, HC 60 Box 31, Culbertson, MT 59218**, for a Certificate of Public

Convenience and Necessity IS GRANTED to the following extent:

Class D - Garbage within the town of Bainville, Montana and a ten (10) mile radius thereof.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 18th day of July, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCaffree, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.